

UNITED STATES DISTRICT COURT

for the

District of Hawaii

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Honolulu Authority for Rapid Transportation
1099 Alakea Street, Honolulu, HI 96813

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Honolulu Grand Jury
300 Ala Moana Boulevard, Honolulu, HI 96850

Date and Time:
03/07/2019 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

SEE ATTACHMENT

Date: February 8, 2019

CLERK OF COURT



A handwritten signature in dark ink, appearing to read "Sue Beitia".

Sue Beitia

Sue Beitia *Signature of Clerk or Deputy Clerk*
United States District Clerk of Court

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Lawrence L. Tong
300 Ala Moana Boulevard, Room 6-100 Honolulu, HI 96850
808-541-2850
Larry.Tong@usdoj.gov

ATTACHMENT

You are directed to provide copies of any and all of the following records and documents, in the possession of the Honolulu Authority for Rapid Transportation (HART) and/or available in HART's contract management system, known as the Oracle Primavera Contract Management:

1. All records and documents provided to the State of Hawaii auditor in connection with the audit of HART conducted between March 2018 through December 2018.
2. Archeological studies conducted in connection with the design, planning and construction of the project.
3. Proposals, correspondence and emails with the Federal Transit Administration concerning negotiations for the Full Funding Grant Agreement signed December 19, 2012.
4. Request for Proposals or bids for any design, planning or construction work for the project.
5. A list of all contractors and subcontractors who have received contracts to perform any design, planning or construction work on the project.
6. All documents concerning change orders for the project, including change orders, cost analyses, request for bids, correspondence, negotiations and change orders signed with contractors.
7. Documents provided to HART's board of directors or the Honolulu City Council concerning proposed change orders, their associated cost, and the identity of contractors.
8. Contracts with management consultants retained by HART.

For purposes of this attachment, the term "project" means the fixed railway system that is the subject of the December 19, 2012 Full Funding Grant Agreement between the Federal Transit Administration, the City and County of Honolulu and HART. "Records and documents" shall include all records, regardless of format in which they are maintained, including electronic or hard copy format, word documents, PDF files and spreadsheets.



U.S. Department of Justice

United States Attorney
District of HawaiiPJKK Federal Building
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850(808) 541-2850
FAX (808) 541-2958

February 8, 2019

Honolulu Authority for Rapid Transportation

RE: GRAND JURY SUBPOENA

Dear Sir or Madam:

Your company recently received a grand jury subpoena requiring you to produce documents on the date and time indicated before a federal grand jury sitting in the District of Hawaii. In order to avoid the inconvenience to you of personally appearing before the grand jury, you may elect to deliver the records to the federal law enforcement special agent serving the subpoena who will cause them to be returned to the grand jury on your company's behalf.

If you would like to elect this alternative means of production, please sign the accompanying production statement. If all the records called for by the subpoena are not being produced, please amend the statement to indicate when the records can be produced (if your company has access to them), where they are located (if your company does not have access to them), or why they can neither be produced nor located.

Thank you for your cooperation. If you have any questions, please feel free to contact the undersigned Assistant U.S. Attorney at (808) 541-2850.

Sincerely,

KENJI M. PRICE
United States Attorney
District of HawaiiBy Lawrence Tong
LAWRENCE L. TONG
Assistant United States Attorney

Attachments

TO: UNITED STATES ATTORNEY
DISTRICT OF HAWAII

RE: GRAND JURY SUBPOENA

I, _____, hereby elect, on behalf of the Honolulu Authority for Rapid Transportation
to respond to the grand jury subpoena duces tecum issued to the Honolulu Authority for Rapid Transportation
calling for the production of records and documents to the grand jury on or before
March 7, 2019, at 9:00 a.m. by delivering/ mailing the records and documents called
for by the subpoena to the following person for delivery to the federal grand jury:

Chief Special Agent Daniel Hanagami
State of Hawaii Attorney General's Office
425 Queen St., Honolulu, HI 96813

Phone: 808-586-1240

I hereby certify that to the best of my knowledge, the records and documents
produced are all the records and documents called for by the subpoena which are in the
possession, custody and control of Honolulu Authority for Rapid Transportation.

NAME

TITLE

NOTE:

A false, fictitious, or fraudulent statement or representation made in any matter within the jurisdiction of any department or agency of the United States may result in a fine of not more than \$250,000, or imprisonment for not more than 5 years, or both. (18 U.S.C. § 1001)

**CERTIFICATE OF AUTHENTICITY
OF
BUSINESS RECORDS**

I, _____ declare, pursuant to Title 28, U.S.C. § 1746,
(Print Name)
that I am employed by _____ and that my official title
(Name of Business)
or position is _____. I further declare that I am a custodian of records
(Official Title or Position)
of said business and that each of the records attached hereto is the original or a duplicate (exact
photocopy) of an original record in the custody of _____
(Name of Business)

I further state that:

- 1) Such records were made, at or near the time of the occurrence of the matters set forth by (or from information transmitted by) a person with knowledge of those matters;
- 2) such records were kept in the course of a regularly conducted business activity;
- 3) the business activity made such records as a regular practice; and
- 4) if such records are not the originals, such records are duplicates of the originals.

I declare under penalty of perjury the foregoing is true and correct.

(Date of Execution)

(Print Name)

(Place of Execution)

(Signature)